

Joseph M. Alioto (SBN 42680)
Tatiana V. Wallace (SBN 233939)
ALIOTO LAW FIRM
One Sansome Street, 35th Floor
San Francisco, CA 94104
Telephone: (415) 434-8900
Email: jmalieto@aliotolaw.com

[Additional Counsel Listed on Last Page]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

Christine Whalen, et al.,

Plaintiffs,

v.

Kroger Co., Albertsons Companies, Inc.,
and Cerberus Capital Management, L.P.,

Defendants.

Case No.: 23-cv-00459-VC

**OPPOSITION TO CERBERUS' MOTION
TO DISMISS**

Hearing Date: July 27, 2023

Time: 10:00 AM

Place: Courtroom 4, 17th Floor

Judge: Honorable Vince Chhabria

Complaint Filed: February 2, 2023

**PLAINTIFFS' OPPOSITION TO CERBERUS CAPITAL MANAGEMENT, L.P.'S
MOTION TO DISMISS**

Plaintiffs oppose CERBERUS CAPITAL MANAGEMENT, L.P.'S Motion to Dismiss on the same grounds as are set forth in Plaintiffs' Memorandum in Opposition to the Motion of Defendant Kroger Co. to Dismiss and as set forth in Plaintiffs' Memorandum in Opposition to

the Motion of Defendant Albertsons to Dismiss, both of which are filed concurrently herewith and both of which Plaintiffs incorporate in full herein by reference.

Dated: May 11, 2023

Respectfully submitted:

By: s/ Joseph M. Alioto
Joseph M. Alioto (Cal.Bar No. 42680)
ALIOTO LAW FIRM
One Sansome Street, Suite 3500
San Francisco, CA 94104
Telephone: (415) 434-8900
Email: jmalimoto@alimotoalaw.com

Attorneys for Plaintiffs

ADDITIONAL PLAINTIFFS COUNSEL:

Lawrence G. Papale (SBN 67068)
LAW OFFICES OF LAWRENCE G. PAPALE
1308 Main Street, Suite 117
St. Helena, CA 94574
Telephone: (707) 963-1704
Email: lgpapale@papalelaw.com

Josephine Alioto (SNB 282989)
THE VEEN FIRM
20 Haight Street
San Francisco CA 94102
Telephone: (415) 673-4800
Email: jalioto@veenfirm.com

Christopher A Nedeau (SBN 81297)
NEDEAU LAW PC
154 Baker Street
San Francisco, CA 94117-2111
Telephone: (415) 516-4010
Email: cnedeau@nedeaulaw.net

Theresa Moore (SBN 99978)
LAW OFFICE OF THERESA D. MOORE PC
One Sansome Street, 35th Floor
San Francisco, CA 94104
Phone: (415) 613-1414
Email: tmoore@alimotoalaw.com